

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08
09 NATHAN LORING,) Case No. C05-1599-JLR-JPD
10 Petitioner,)
11 v.)
12 ALICE PAYNE,) ORDERING CONTINUING
13 Respondent.) STAY AND ABEYANCE
14)
15)

15 Petitioner, an inmate at the McNeil Island Corrections Center in Steilacoom,
16 Washington, has filed a *pro se* 28 U.S.C. § 2254 petition for writ of habeas corpus. Dkt. No. 4.
17 By order dated May 15, 2006, the Court granted plaintiff's request for a stay of his petition and
18 ordered that it be held in abeyance, enabling petitioner to make every effort to properly exhaust
19 his claims. Dkt. No. 17. Because petitioner later failed to update the Court as to the status of
20 his state court litigation by the designated date of August 18, 2006, the Court, on September
21 2006, directed petitioner to show cause why his petition should not be dismissed. Dkt. No.
22 18. On October 2, 2006, this Court received timely notice from petitioner that his motion for
23 discretionary review before the Washington Supreme Court, to which the State was required to
24 answer by October 2, 2006, has yet to be ruled upon. After careful consideration of petitioner's
25 Answer to Show Cause Order (Dkt. No. 19) and the balance of the record, the Court hereby
26 ORDERS:

ORDERING CONTINUING STAY AND ABEYANCE
PAGE - 1

01 (1) The Court directs that petitioner's 28 U.S.C. § 2254 petition shall continue to be
02 HELD IN ABEYANCE. Dkt. No. 4. Petitioner has shown good cause to grant such a stay, so
03 that he can make every effort to properly exhaust his claims. Petitioner shall advise the Court of
04 the status of his petition **no later than January 16, 2007** or **no more than fifteen days** after
05 the Washington Supreme Court's decision on petitioner's motion for discretionary review,
06 whichever date comes first.

07 (2) The Court is directed to send a copy of this order to the parties and to the
08 Honorable James L. Robart.

09 DATED this 30th day of October, 2006.

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11 JAMES P. DONOHUE
12 United States Magistrate Judge

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